

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CARROLL OBERLANDER,

Plaintiff,

v.

STATE FARM INSURANCE,

Defendant.

No. 4:17-CV-748 RLW

MEMORANDUM AND ORDER

Plaintiff seeks leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983. The motion is granted. Additionally, the complaint is dismissed under 28 U.S.C. § 1915(e).

Standard of Review

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Id.* at 679. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

The Complaint

Plaintiff was severely injured in an auto accident on February 15, 2012. The other driver was insured by defendant State Farm Insurance (“State Farm”). She complains that State Farm only offered to pay her \$5,000 to compensate her for her injuries, despite their severity. She believes defendant’s offer violated her civil rights under the Constitution of the United States.

Discussion

The complaint is legally frivolous. First, the allegations do not rise to the level of a constitutional violation. Second, State Farm is not a “state actor” under § 1983, and there are no allegations that defendant conspired with a state actor to violate her rights. *See Mershon v. Beasley*, 994 F.2d 449, 451 (8th Cir. 1993) (“a plaintiff seeking to hold a private party liable under § 1983 must allege, at the very least, that there was a mutual understanding, or a meeting of the minds, between the private party and the state actor.”). As a result, this action must be dismissed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed forthwith.

Dated this 22nd day of February, 2017.



BONNIE L. WHITE
UNITED STATES DISTRICT JUDGE